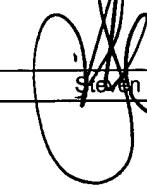




CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date below:

November 4, 2004
Date


Steven L. Highlander

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas J. KODADEK

Serial No.: 09/780,575

Filed: February 9, 2001

For: SELECTION OF PEPTIDES WITH
ANTIBODY-LIKE PROPERTIES

Group Art Unit: 1639

Examiner: Bennett M. Celsa

Atty. Dkt. No.: UTSD:566US/SLH

DECLARATION OF THOMAS KODADEK UNDER 37 C.F.R. §1.132

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

I, the undersigned, do declare that:

1. I am a U.S. citizen residing at 9019 Guernsey Lane, Dallas, TX 75220. I currently hold the position of Professor in the Department of Internal Medicine at the University of Texas Southwestern Medical Center, Dallas TX.
2. I am the Thomas Kodadek listed as the inventor for the above-captioned application, and the Thomas Kodadek listed as the corresponding author of Zhang *et al.*, *J. Biol. Chem.* 275:32098-32105 (2000) and Zhang *et al.*, *Current Biol.* 9:417-420 (1999).

3. Z. Zhang, W. Zhu and T. Kodadek are named as authors of Zhang *et al.* (2000). Z. Zhang, A. Murphy, J.C. Hu and T. Kodadek are named as authors of Zhang *et al.* (1999).
4. For Zhang *et al.* (2000), Zhang and Zhu prepared all of the reagents employed in these studies and carried out all of the experiments. They were acting, at all times, under the direction of myself. As such, Zhang and Zhu did not contribute conceptually to subject matter now claimed in the instant application that was also described in Zhang *et al.* (2000).
5. For Zhang *et al.* (1999), Zhang and Murphy prepared all of the reagents and carried out all of the experiments. They were acting, at all times, under the direction of myself. As such, Zhang and Murphy did not contribute conceptually to subject matter now claimed in the instant application that was also described in Zhang *et al.* (1999). Hu is a Professor of Biochemistry at Texas A&M University. Hu's only contribution to the work to provide useful technical advice in using the phage resistance assay, in which he is an expert. Hu also did not contribute conceptually to the subject matter claimed

6. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

Thomas Kodadek, Ph.D.